

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE  
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON  
U.S. MAGISTRATE JUDGE

DATE: 12-19-2013  
TIME: 4:18 p.m. (10 minutes)

*Jenkins v. Midland Funding, LLC, et al.,*  
**CV 13-5236 (SJF) (AKT)**

TYPE OF CONFERENCE: **TELEPHONE STATUS CONFERENCE**

APPEARANCES: Plaintiff Jarrett R. Jenkins, Pro Se  
Defendant Richard D. Lane, Jr.

FTR: 4:18-4:28

THE FOLLOWING RULINGS WERE MADE:

1. The Court scheduled today's conference to discuss the outstanding motion to amend the Complaint filed by the plaintiff on December 6, 2013 [DE 25] and the December 10, 2013 letter filed on ECF by defendants' counsel and enclosing defendants' Motion for Judgment on the Pleadings, pursuant to Fed. R. Civ. P. 12(c). We spent some time discussing the procedural mechanism for addressing both motions. As a result of today's discussion, defendants' counsel stated on the record that he is consenting to plaintiff's serving and filing the proposed Amended Complaint which was attached as an exhibit to the plaintiff's motion to amend.

Based on the defendants' consent, I am GRANTING the motion to amend [DE 25]. The Court further directs the Clerk of the Court to enter the Amended Complaint on the docket as the new operative pleading for the plaintiff.

2. As to the Motion for Judgment on the Pleadings which was served on the plaintiff on December 10, 2013 but which has not yet been filed (pursuant to Judge Feuerstein's "bundle rule"), defendants are agreeing to withdraw the motion, without prejudice, and with the right to renew once the Amended Complaint is entered on the record. To that end, defendants' counsel noted that he has reviewed the proposed Amended Complaint and, based on the contents of that pleading, still intends to move for judgment on the pleadings.

Plaintiff gave his consent on the record today to allow defendants until January 15, 2014 to respond to the Amended Complaint. In light of this information, the Court set a briefing schedule for defendants' anticipated motion for judgment on the pleadings, this time directed to the Amended Complaint:

- Defendants' counsel will serve his motion papers and memorandum of law upon the plaintiff by January 15, 2014;
- Plaintiff will serve his opposition papers and memorandum of law upon defendants' counsel by February 5, 2014;

- Defendants' reply, if any, must be served on the plaintiff by February 13, 2014.
- defendants' counsel is directed to file the complete set of motion papers on ECF on February 13, 2014.

SO ORDERED

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge